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January 25, 2010

Ms. Virginia H. Atherton  
61 Lagunita  
Laguna Beach, CA 92651

Irving H. Picard  
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Re: Bernard L. Madoff Investment Securities LLC ("BLMIS")  
Bankr.S.D.N.Y., No. 08-1789 (BRL)

Claim of Atherton Family Trust (the "Trust")  
Claim No. 1334

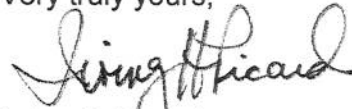
Dear Ms. Atherton:

I have your letter of January 17, 2010 inquiring when your objection to the Trustee's determination denying the above-referenced claim will be fixed for hearing.

A review of the Trustee's Determination Notice dated October 19, 2009 indicates that the Trust's claim was denied on the ground that more funds had been withdrawn from the account (\$691,243.88) than had been deposited with BLMIS (\$350,000.00). As you may be aware, the Court is hearing on Tuesday, February 2<sup>nd</sup>, the issue whether the Trustee's methodology of cash in/cash out or the last statement (on which you rely) is the correct one. There are at least 6 law firms that have previously submitted memoranda for the latter position and will be presenting oral argument at the hearing.

Under the circumstances, we have not scheduled any specific claim objections for hearing at this time. After the Court renders its decision and taking into account any appeals of that decision, we will consider how to proceed. Accordingly, at this time, we cannot tell you when a hearing will be scheduled on the Trust's objection or for approximately 500 similar objections.

Very truly yours,



Irving H. Picard  
Trustee

IHP/ds